

REMARKSREQUEST FOR WITHDRAWAL OF FINAL STATUS

Applicants respectfully request that the **FINAL** status of the Office Action dated December 3, 2003 be withdrawn. As pointed out in the previously-filed Amendments, dated July 25, 2003 and November 20, 2002, with regard to the rejections of Claims 2 and 10, a Declaration of Prior Invention (37 CFR 1.131) was submitted with the Amendment filed on February 21, 2002. The Declaration established completion of the invention in the United States at a date prior to the effective date of the Li patent. Accordingly, since the Li patent was removed as a reference, Applicants believe that the Examiner should have withdrawn the rejections of Claims 2 and 10 which relied on the teachings of the Li patent. Applicants have also repeatedly noted that the Examiner's comments regarding allowable subject matter, found on page 4 and 5 of the Office Action, should not reference the Graefe patent as relevant prior art for the same reason.

Since the Examiner erred in maintaining a rejection based on a reference which was not available as prior art against the subject claims, Applicants respectfully assert that the Office Action dated December 3, 2003 should not have been a **FINAL** Office Action. Accordingly, Applicants respectfully request withdrawal

Y0998-220

of the FINAL status of the pending Office Action. Since Applicants are filing this response within two months of the Final Office Action, Applicants respectfully request that the undersigned attorney be notified of the disposition of this request prior to expiration of the three month period for response (i.e., prior to March 3, 2003).

ARGUMENTS IN SUPPORT OF PATENTABILITY

In the Office Action, Claims 5-8 have been allowed, and Claims 3-4 and 11-12 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims. At this time, Applicants are not submitting amendments to the objected-to claims, since Applicants believe that the rejected claims, Claims 1-2 and 9-10 are also allowable over the cited prior art.

As noted above, Applicants believe that the rejections of Claims 2 and 10 cannot be sustained since the Li patent is not available as prior art against the claims. Accordingly, no further discussion of the rejections of those claims will be included herein.

Claims 1 and 9 have been rejected as unpatentable over the teachings of the Machihara patent. For the reasons set forth

below, Applicants respectfully assert that the claims are allowable.

The Machihara patent is directed to a system for information retrieval which allows a user to specify the retrieval content and conditions to transparently prepare a search without having to know the names of the databases or their structures. The Machihara system stores reference information for a plurality of databases and accesses that reference information to determine which database will contain data to satisfy the user's retrieval request. Once the database is known, an information retrieval statement for the chosen database is prepared and the search is conducted. Once information has been retrieved from the database, the search results are formatted for presentation to the user.

Applicants respectfully assert that the Machihara patent does not teach or suggest the invention as claimed. With respect to the claim feature of "first searching a database to retrieve data based on said query", Applicants note that the Examiner has cited the Machihara teachings found at Col. 9, lines 30-65. However, what Machihara teaches in Col. 9 is the comparing of user input keywords to the stored reference information and the selection of a database for the search. No data is retrieved in the steps which Machihara teaches in Col. 9.

As to the claimed step of presenting retrieved data to the user, the Examiner has cited Col. 10, lines 1-20. What is taught

Y0998-220

in the cited passage of Col. 10 is the calling up of the selected database (see: lines 10-15) and execution of the search against the selected database. Such is not the same as nor suggestive of presenting search results to the user. Applicants acknowledge that Machihara does provide retrieved information to the user; however, the passages cited by the Examiner do not teach same. Moreover, Machihara stops there. Machihara compares user keyword input to stored reference information, selects a database, searches the database, and presents results. Machihara does not teach or suggest further receiving user input after presentation of search results, transforming the database based on the user input and repeating the search, presentation, receiving input and transforming the database, as further discussed below.

The teachings found in Col. 10, lines 15-20 have been cited against the claim feature of "presenting data to user" as well as the feature of "transforming the database based on user input to generate a transformed database". Applicants respectfully aver, though, that the passage from line 15-line 20 of Col. 10 simply teaches that retrieved results are formatted for display to the user. Formatting search results is not the same as, nor it is suggestive of, transforming a database based on user input. The claims expressly recite transforming a database. The Machihara patent does not teach or suggest transforming a database. Machihara simply formats data. Applicants disagree with the Examiner's statement found at the top of page 3 which states that

YO998-220

"conversion of search results is same as transforming results or database." Applicants are not claiming transforming results. The claim language expressly recites transforming a database...not transforming search results. Applicants believe that the Machihara patent neither teaches nor suggests the claim language.

As to the claimed feature of "receiving user input", Applicants note that the cited Machihara teachings of receiving the initial user input of a search request (Col. 9, lines 34-37) do not obviate the claimed step of receiving input subsequent to, and in response to, presentation of retrieved data (i.e., search results). The initial specification of a search is not the same as nor suggestive of providing input based on retrieved search results. The present invention allows the user to modify the search based on a review of the search results. Machihara provides no teaching or suggestion of any user interaction with the system after reviewing retrieved data.

Applicants respectfully assert that the Machihara patent teachings do not teach or suggest the invention as set forth in Claims 1 and 9. The Machihara patent does not perform "fuzzy", matching searches with iterative user query refinement, database transformation, and transformed database searching as is claimed. What is expressly claimed is a method and means for first searching a data based on a query, presenting retrieved data to a user, receiving user input in response to the presentation of

Y0998-220

retrieved data, transforming the database based on the user input to generate a transformed database, successively searching the transformed database to retrieve data, and repeating the steps until the user query is satisfied. The Machihara patent does only the first two steps of the process, i.e., the searching and presenting of search results to a user.

Applicants have repeatedly argued that the Machihara patent provides no teachings or suggestions of the system accepting user input for query refinement; of transforming its database; of searching a transformed database; or, of iteratively repeating the steps until a user query is satisfied. The Examiner states that the successive searching would be obvious to one of ordinary skill in the art. Applicants respectfully disagree. Since Machihara provides no mechanism for user input to the query processing after the initial request, it cannot be concluded that successive searching would be conducted. Moreover, since any user input to the Machihara system must first be "translated" by comparing it to stored reference information in order to select a database, it would not be possible to refine a query without starting the Machihara process anew. Accordingly, successive searching would be counterproductive in the Machihara system since Machihara provides no additional user input and no change to the database. Applicants contend that the language is not suggested by Machihara and that a conclusion of obviousness simply cannot be maintained.

Y0998-220

7

In conclusion, Applicants respectfully assert that, absent some teaching of receiving post-retrieval input, transforming the database, searching the transformed database, and iteratively repeating same, it cannot be maintained that the Machihara patent renders the claim language obvious. Accordingly, Applicants request that the rejections of Claims 1 and 9 be withdrawn. Based on the foregoing remarks and the earlier-submitted Declaration, Applicants respectfully request withdrawal of the **FINAL** status of the Office Action, withdrawal of the rejections to Claims 2 and 10 based on the Li patent, withdrawal of the rejections to Claims 1 and 9 based on the Machihara patent, and issuance of the pending claims.

Respectfully submitted,
V. Castelli, et al

By: Anne Vachon Dougherty
Anne Vachon Dougherty
Attorney for Applicant
Reg. No. 30,374